IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.596 OF 2007
Along with
Civil Application No.1090 iof 2007

Aziz Amir Sherkhan, .. Appellant.
Vs
The Govt.of Maharashtra
and ors. .. Respondents.

Mr Amit Borkar h/f Mr R.S.Datar, for the appellant.
Mr R.S.Apte, for the respondents.

CORAM : D.B.BHOSALE,J.
DATED : 22nd August, 2007

P.C.:

1. Heard learned counsel for the parties.

2. The plaintiff has filed this appeal against the judgments of the courts below by which his suit for declaration that he is the owner of the suit property and for injunction restraining the respondents from disturbing his possession stands dismissed. The sole contention urged by Mr.Borkar, learned counsel for the appellant, was that since both the courts below have held that the plaintiff is in established possession of the suit property, injunction ought to have been granted or atleast courts below ought to have held that the possession of the plaintiff cannot be disturbed without following due process of law. Mr Apte, learned counsel for the respondents, fairly stated that the Corporation will follow the due process of law for evicting the plaintiff from the suit property. In view

of the statement made by Mr Apte,I find no reason to interfere with the judgments of the courts below which have recorded concurrent findings of fact that the plaintiff has failed to prove his ownership on the suit property. In the circumstances, this appeal is dismissed. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)